

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Firefighters MICHAEL BACON,  
ANDREA KERNKAMP, JOE  
HOWARTH, BRENNAN COOKE,  
TIM WHEELER, TOM HARVEY,  
JOEL BROSE, TANNER  
TOWNSEND, CURTIS SMITH,  
ISAIAH DEAN, NICHOLAS  
HOLMES, MATTHEW NORTON,  
JHAR FULLER, STEVEN HOWIE,  
JEFFREY BAXTER, ARIC PISA,  
DUANE WILCOX, DAVID HEIZER,  
JAMES BILLMAN, MARLIN  
THORMAN, JASON WEBSTER,  
TIMOTHY ARCHER, COREY  
BARKER, SCOTT MCCANN, and  
CONNOR FOXWORTH,

Plaintiffs,

v.  
NADINE WOODWARD, the Mayor  
of the City of Spokane, Fire Chief  
BRIAN SCHAEFFER, and the CITY  
OF SPOKANE,

Defendants.

NO. 2:21-CV-0296-TOR

ORDER DIRECTING IMMEDIATE  
SERVICE OF PROCESS AND  
NOTICE

1 BEFORE THE COURT is Plaintiffs' Complaint and Motion for Temporary  
2 Restraining Order, ECF Nos. 1, 2, along with numerous other filings, ECF Nos. 4-  
3 12, 14-16, 19-22, and 27. The Court has reviewed the record and files herein.  
4 While Plaintiffs seek an immediate TRO, Plaintiffs' counsel has not filed proof of  
5 service of the summons and complaint on each of the Defendants, nor has counsel  
6 "certifie[d] in writing any efforts made to give notice and the reasons why it should  
7 not be required." *See* LCivR 4(l); F.R.Civ.P. 65(b)(1)(B). A declaration of future  
8 action is insufficient to show proper service. *See* ECF No. 2 at 22 (My office will  
9 electronically transmit the foregoing, and supporting materials, once filing is  
10 complete, and dispatch a hardcopy to counsel.).

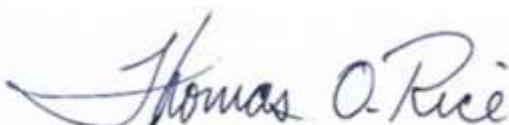
11 Considering the timing of the Defendants' actions and the delay in filing this  
12 case, Defendants are entitled to proper notice and an opportunity to respond.

13 **ACCORDINGLY, IT IS HEREBY ORDERED:**

14 Plaintiffs shall complete service of Process and Provide the Proper Notice  
15 according to F.R.Civ.P. 65. Plaintiffs shall promptly file proof of proper service.

16 The District Court Executive is directed to enter this Order and furnish  
17 copies to Plaintiffs' counsel.

18 DATED October 18, 2021.

A handwritten signature in blue ink that reads "Thomas O. Rice".

19  
20 THOMAS O. RICE

1 United States District Judge  
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